Commission Meeting Agenda

CITY OF
Hobbs
NEW MEXICO

Mayor
Samuel D. Cobb

City Commission
Marshall R. Newman
Christopher R. Mills
Patricia A. Taylor
Joseph D. Calderón
Dwayne Penick
Don R. Gerth

Acting City Manager
Manny Gomez

March 4, 2019
Hobbs City Commission  
Regular Meeting  
City Hall, City Commission Chamber  
200 E. Broadway, 1st Floor Annex, Hobbs, New Mexico  
Monday, March 4, 2019 - 6:00 p.m.  
Sam D. Cobb, Mayor  
Marshall R. Newman  
Commissioner - District 1  
Christopher R. Mills  
Commissioner - District 2  
Patricia A. Taylor  
Commissioner - District 3  
Joseph D. Calcerón  
Commissioner - District 4  
Dwayne Penick  
Commissioner - District 5  
Don R. Gerth  
Commissioner - District 6

AGENDA  
City Commission Meetings are  
Broadcast Live on KHBX FM 99.3 Radio  
and Available via Livestream at www.hobbsnm.org

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the February 25, 2019, Regular Commission Meeting

PROCLAMATIONS AND AWARDS OF MERIT

2. Recognition of the City of Hobbs Wastewater Reclamation Facility for Receiving the 2019 Max Summerlot Award and Recognition of the City of Hobbs Water Production Facilities for Receiving the 2019 Good Housekeeping Award (Tim Woomer, Utilities Director)
PUBLIC COMMENTS  (Citizens who wish to speak must sign the Public Comment Registration Form located in the Commission Chamber prior to the beginning of the meeting.)

CONSENT AGENDA  (The consent agenda is approved by a single motion. Any member of the Commission may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote.)

None

DISCUSSION

3. Update by the Economic Development Corporation of Lea County on Gross Receipts Investment Program (GRIP) Ordinance  (Steve Vierck, EDC President/CEO)

ACTION ITEMS  (Ordinances, Resolutions, Public Hearings)

4. PUBLIC HEARING:  Resolution No. 6770 - Regarding the Transfer of Ownership and Location of Liquor License No. 0301 from Briody Pohl, GP by Lucille Pohl, PR of the Estate of Clarence W. Pohl, 205 West Broadway, Mountainair, New Mexico, to Wayne Street Entertainment, LLC, d/b/a Wayne Street, 2215 East Seminole Highway, Hobbs, New Mexico, 88240 (Efren Cortez, City Attorney)

5. Resolution No. 6771 - Determining that Certain Structures are Ruined, Damaged and Dilapidated, are a Menace to Public Comfort, Health and Safety and Requires Removal from the Municipality (212 North Denson, 201 South Turner and 1109 West Sanger)  (Raymond Bonilla, Community Services Director)

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

6. Next Meeting Date:

   ▶ City Commission Regular Meeting
      
      Monday, March 18, 2019, at 6:00 p.m.

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the above meeting, please contact the City Clerk’s Office at (575) 397-9207 at least 72 hours prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk’s Office if a summary or other type of accessible format is needed.
City Commission Meeting Minutes

The following minutes are submitted for approval:

- Regular Commission Meeting of February 25, 2019

Fiscal Impact:
N/A

Attachments:
Minutes as referenced under “Summary”.

Legal Review:
Approved As To Form:
City Attorney

Recommendation:
Motion to approve the minutes as presented.

Approved For Submittal By:

Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No.            Continued To:            File No.
Ordinance No.              Referred To:            _________
Approved                   Denied                 _________
Other                      _________                _________
Minutes of the regular meeting of the Hobbs City Commission held on Monday, February 25, 2019, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico.

Call to Order and Roll Call

Mayor Cobb called the meeting to order at 6:00 p.m. and welcomed everyone in attendance to the meeting. The City Clerk called the roll and the following answered present:

Mayor Sam D. Cobb
Commissioner Marshall R. Newman
Commissioner Christopher Mills
Commissioner Patricia A. Taylor
Commissioner Joseph D. Calderón
Commissioner Dwayne Penick
Commissioner Don Gerth

Also present:  
Manny Gomez, Acting City Manager/Fire Chief
Efren Cortez, City Attorney
Erik Scramlin, Deputy City Attorney
Valerie Chacon, Assistant City Attorney
Chris McCall, Police Chief
Brian Dunlap, Deputy Police Chief
Shane Blevins, Police Lieutenant
Barry Young, Deputy Fire Chief
Kevin Shearer, Fire Captain
Shelia Baker, General Services Director
Kevin Robinson, Development Director
Doug McDaniel, Parks and Recreation Director
Matt Hughes, Rockwind Community Links/Lovington Hwy. Trail Superintendent
Wade Whitehead, Parks Superintendent
Meghan Mooney, Communications Director
Nicholas Goulet, Human Resources Director
Tracy South, Assistant Human Resources Director
Raymond Bonilla, Community Services Director
Shannon Carter-Arguello, Municipal Court Administrator
Ron Roberts, Information Technology Director
Toby Spears, Finance Director
Sandy Farrell, Library Director
Ann Betzen, Risk Manager/Executive Assistant
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
13 citizens
Invocation and Pledge of Allegiance

Commissioner Taylor delivered the invocation and Commissioner Penick led the Pledge of Allegiance.

Mayor Cobb requested Item #5 Resolution No. 6762 - Opposing House Bill 206 Relating to the Environmental Review Act be removed from the Consent Agenda and be placed as the first item of business in the Action Items.

Approval of Minutes

Commissioner Calderón moved that the minutes of the regular meeting held on February 4, 2019, be approved as presented. Commissioner Taylor seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Presentation of Life Saving Awards to Police Officer Matthew Olenik and Police Officer Zakariah Dale.

Hobbs Police Chief Chris McCall presented Lifesaving Awards to Police Officers Matthew Olenik and Zakariah Dale. Police Chief McCall stated Police Officers Olenik and Dale were dispatched to a female citizen who was not breathing. Officer Olenik administered CPR to the woman and then Officer Dale took over once Officer Olenik was exhausted from administering CPR. Officer Dale was able to revive the woman before EMS arrived. Police Chief McCall stated it is his belief that Police Officers Olenik and Dale saved the woman’s life. The officers received a standing ovation from the audience.

Recognition of Employee Milestone Service Awards and Retirements for February, 2019.

Acting City Manager/Fire Chief Manny Gomez recognized the employees who have reached milestone service awards with the City of Hobbs for the month of February, 2019, which total over 90 years of service worked. Acting City Manager/Fire Gomez read their names, job titles and gave a brief summary of the job duties performed by each of the following employees:

- 5 years - Isaac Holguin, CORE
- 10 years - Georgina Morales, Motor Vehicle Department
- 10 years - Peter Zacharias, Utilities
- 20 years - Chris McCall, Police Department ("**Retirement**")
20 years - Susie Banks, Finance Department (**Retirement**)
25 years - Allen Garrison, Code Enforcement
25 years - Dalia Conken, Senior Center (**Retirement**)

Acting City Manager/Fire Chief Gomez thanked the Commission for recognizing the employees and their service to the City. He stated employees are the most important resource and asset within the organization. Acting City Manager/Fire Chief Gomez expressed thanks and appreciation to the employees and their families.

Acting City Manager/Fire Chief Gomez requested Mr. Toby Spears, Finance Director, and Mr. Doug McDaniel, Parks and Recreation Director, to present retirement plaques to their retiring employees.

Mr. McDaniel stated Ms. Dalia Conken, Senior Center Affairs Coordinator, started employment with the City in 1993 at the Hobbs Police Department and later. In November, 1996, Ms. Conken transferred to the Finance Department as the Payroll Clerk. He further stated in December, 2013, Ms. Conken transferred to the Senior Center as the Senior Center Affairs Coordinator. Mr. McDaniel stated Ms. Conken has done a excellent job as the Coordinator and will be missed. He stated the Senior Center will be left in good hands as Ms. Angela Courter has been appointed as the new Senior Center Affairs Coordinator. Mr. McDaniel stated Ms. Conken’s retirement party will be held on Tuesday, February 26, 2019, from 2:00 p.m. to 4:00 p.m. at the Senior Center.

Mr. Spears stated Ms. Susie Banks, Payroll Specialist, started employment with the City of Hobbs in February, 1999, at the Hobbs Police Department. In November, 2000, Ms. Banks transferred to the Finance Department as the Payroll Clerk. He thanked Ms. Banks for all her hard work in the Finance Department and for never being late with payroll checks. Mr. Spears stated she is the perfect employee with the willingness to assist other departments with their needs and keeping a positive attitude. He wished Ms. Banks the best in her new chapter.

Acting City Manager/Fire Chief Gomez stated Police Chief McCall is the 22nd Police Chief for the City of Hobbs in the 90 year history of the position. He stated Police Chief McCall started employment with the City of Hobbs in February, 1999, as a patrolman. Acting City Manager/Fire Chief Gomez stated Police Chief McCall was promoted to different positions such as field training officer and Police Deputy Chief before being promoted to Police Chief. Acting City Manager/Fire Chief Gomez stated he has met many police chiefs but Police Chief McCall is the most forward and progressive thinking police chief he has met. He thanked Police Chief McCall’s family for supporting his career. He stated Police Chief McCall’s retirement party will be held on Thursday, February 28, 2019, from 2:00 p.m. to 4:00 p.m. at City Hall Annex Building.
Mayor Cobb expressed his appreciation for all the City employees' service.

**Public Comments**

Mr. Robert Lujan, a veteran, expressed his appreciation to Ms. Conken for the outstanding service she has done at the Senior Center. He stated she will be greatly missed.

Mr. Lujan also expressed his appreciation to Police Chief McCall for his service at the Hobbs Police Department as a front line responder and stated he has much respect for him.

Mr. Tom Jones, a citizen, complained that there is a lot of trash on Joe Harvey Blvd. and Dal Paso in a nearby vacant field and in the drainage area which causes it to plug up. He stated that area also gets the residue of chemicals that are sprayed nearby. Mr. Jones stated it is an environmental disaster. He also stated the right-of-way was donated to the City by the Taylor Family and the City should honor the family by keeping it clean.

Mr. Jones also stated the Port-of-Entry is an eye sore for people coming into Hobbs. He stated the City gifted the land to the State of New Mexico and the Department of Transportation does not care about the area.

Mayor Cobb stated Acting City Manager/Fire Chief Gomez is taking notes and will follow up with Mr. Jones to discuss and resolve these issues. He thanked Mr. Jones for attending the meeting.

**Consent Agenda**

Mayor Cobb explained the Consent Agenda and the process for removing an item from the Consent Agenda and placing it under Action Items.

Commissioner Penick moved for approval of the following Consent Agenda Item(s):

*Resolution No. 5761 - Opposing Changes in the Legislative Capital Outlay Distribution Process.*

Commissioner Mills seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution is attached and made a part of these minutes.
Discussion

There were no items for discussion presented to the Commission.

Action Items

Resolution No. 6762 - Opposing House Bill 206 Relating to the Environmental Review Act

Ms. Missy Courier with XTO Energy Public and Government Affairs stated the language on House Bill 206 Relating to the Environmental Review is vague and overboard as written, and such would likely render conflicting and inconsistent results in its implementation while discouraging studies by prospective businesses which would inhibit economic development. She stated House Bill 206 would be a strong deterrent to new economic growth not only in Hobbs, Lea County, New Mexico, but many other municipalities and counties across New Mexico. Ms. Courier also stated House Bill 206 would likely create Legislative obstacles which could have a negative impact on the major industries in Southeast New Mexico; thus, deterring new economic growth as well as interfering with existing businesses’ opportunity to grow. She encouraged support of this resolution in opposition to the House Bill 206 Relating to the Environmental Review Act.

Following a brief discussion, Commissioner Calderón moved to approve Resolution No. 6762, as presented. Commissioner Penick seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. A copy of the resolution is attached and made a part of these minutes.

Resolution No. 6763 - Authorizing and Establishing 2020 Census Complete Count Committee

Ms. Meghan Mooney, Communications Director, stated the data collected by the United States Census is critical to the objectives and mission for growth of the City of Hobbs and surrounding areas. She stated by supporting the dissemination of education regarding the 2020 Census and collaborating with identifiable community leaders through a Complete Count Committee (Committee), the United States Census Bureau predicts a community will achieve a higher volume of self-reporting. Ms. Mooney explained the resolution and stated the proposed Committee will create awareness throughout the community. She emphasized that data collected from residents of Hobbs is confidential and is not shared with other agencies.

Ms. Mooney asked the Committee members to stand and introduce themselves. The following members were present: Mr. Joe Cotton with NAACP, Ms. Shannon Bush with
Lea Regional Medical Center, Ms. Missy Courier with XTO Energy Public and Government Affairs, Mr. Hermilo Ojeda, representing the Hispanic community, Ms. Rachel Moon with the Hobbs Hispano Chamber Board, Mr. Al Lobeck with Noalmark, Ms. Jennifer Grassham with the J. F Maddox Foundation and Ms. Patty Collins with Hobbs Chamber of Commerce. Ms. Mooney stated not all the Committee members are present.

Commissioner Calderón moved to approve Resolution No. 6763, as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. A copy of the resolution is attached and made a part of these minutes.

Consideration of Approval of Agreements Establishing Tournament Fees with Permian Basin USSSA Baseball, Hobbs USSSA Girls Fastpitch Softball and Hobbs USSSA Adult Slowpitch Softball.

Mr. Doug McDaniel, Parks & Recreation Director, stated Mr. Tommy Hawkins with Permian Basin USSSA and Mr. Troy Raulston with Hobbs USSSA Baseball League are present in the audience to answer any questions the Commission may have regarding the proposed agreements. He explained the agreements and stated with the completion of the $5.2 million artificial turf installation project at the Veterans Memorial Complex in 2015, the City of Hobbs entered into agreements with USSSA entities to utilize Veterans Memorial Complex to host youth baseball, girls fastpitch softball, and adult slowpitch softball tournaments. He stated these tournaments, which take place on weekends, have assisted greatly with economic development efforts related to bringing visitors to Hobbs to lodge in local hotels, dine at local restaurants and shop at Hobbs retail establishments.

Mr. McDaniel stated in 2019, USSSA has requested hosting nine slowpitch softball tournaments, three girls fastpitch softball tournaments, one All American Games Tryout (girls fastpitch) and five youth baseball tournaments. He stated since 2015, these USSSA entities have paid more than $80,000 in tournament fees to the City of Hobbs. Mr. McDaniel stated the previous agreement with USSSA provided for those funds to be spent on field improvements at the Veterans Memorial Complex as does the proposed agreements being presented.

Mr. McDaniel stated the following fees are being proposed for current agreements:

<table>
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<tr>
<th>Event</th>
<th>Proposed Fee*</th>
<th>Previous Fee*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Slowpitch Softball</td>
<td>$30 per team</td>
<td>$25 per team</td>
</tr>
<tr>
<td>Girls Fastpitch Softball</td>
<td>$25 per team</td>
<td>$35 per team</td>
</tr>
<tr>
<td>Youth Baseball</td>
<td>$25 per team</td>
<td>$50 per team</td>
</tr>
</tbody>
</table>

*The fee is collected only from teams who are not registered as Hobbs teams.
Mr. McDaniel stated the City does not collect fees from the Hobbs teams as they pay local tax.

Mr. McDaniel stated the amount charged by USSSA covers the costs of umpiring fees which include lodging, meals and pay for the umpires who are all generally from out of town. He stated additionally, the City of Hobbs and Permian Basin USSSA previously partnered on the purchase of ten portable pitching mounds that are used for youth baseball tournaments and Permian Basin USSSA has reimbursed the City of Hobbs for the full amount as stated in the previous agreement in the amount of $13,493.16. He stated this year the City anticipates to collect $13,000.00. Mr. McDaniel further stated Hobbs will recognize approximately $1 million in economic impact due to the League's events.

Mr. Raulston stated the Hobbs USSSA Baseball League tries to keep their entry fees low but barely makes enough profit to purchase equipment which is not cheap.

Mayor Cobb stated he feels a disconnect because local team fees should be at a lower rate.

Commissioner Mills questioned if the City does not charge for Hobbs teams, then why do the local teams still pay the League.

Mr. Hawkins stated the tournament fees that the League charges are compatible to all other tournament fees.

Mayor Cobb recommended the tournament fees for adults be increased from the proposed fee of $30.00 to $40.00.

Following a discussion regarding Lodgers’ Tax funding and eligible expenses, maintenance fees and gate fees, Commissioner Calderón moved to amend the memorandum of understanding to increase the proposed adult fee from $30.00 to $40.00 per team. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried.

Commissioner Calderón moved to approve the amended memorandum of understanding as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the agreements and supporting documentation are attached and made a part of these minutes.
Consideration of Approval of RFP No. 507-19 for Purchase of Commercial Rated Turf Maintenance Equipment for Rockwind Community Links and Recommendation to Accept Proposal from Austin Turf and Tractor.

Mr. McDaniel and Mr. Matt Hughes, Rockwind Community Links/Lovingston Hwy. Trail Superintendent, presented the RFP No. 507-19 for the purchase of commercial rated turf maintenance equipment for Rockwind Community Links to the Commission. Mr. McDaniel stated proposals were requested for commercial rated turf maintenance equipment to be used at Rockwind Community Links and the State Route 18 Beautification Trail Project (Lovingston Hwy Trail). He stated proposals were due on November 29, 2018, and three proposals were received by the Finance Department, all of which were determined to be responsive. Mr. McDaniel stated an evaluation committee comprised of staff from Parks & Recreation, Engineering, and the General Services Department reviewed, evaluated and scored the proposals.

Mr. Hughes stated the proposed maintenance equipment will come with a two-year warranty.

Mayor Cobb recommended Mr. McDaniel and Mr. Hughes purchase big ticket items in smaller portions so the budget does not get a big hit all at once.

Commissioner Newman moved to approve the purchase of commercial rated turf maintenance equipment for Rockwind Community Links and award the RFP to Austin Turf and Tractor in the amount of $500,820.84 without gross receipts tax. Commissioner Penick seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Mayor Cobb requested Resolutions No. 6764, 6765 and 6766 be discussed as one item as they are all the same in nature. He requested that the locations be given for each development agreement.

Resolution No. 6764 - Approving a Development Agreement with Black Gold Estates Concerning the Development of Market Rate Single-Family Housing.

Resolution No. 6765 - Approving a Development Agreement with Property Management Plus, LLC, Concerning the Development of Market Rate Single-Family Housing Units.

Resolution No. 6766 - Approving a Development Agreement with Lemke Development, Inc., Concerning the Development of Market Rate Single-Family Housing Units.
Mr. Kevin Robinson, Development Director, stated the locations of the development agreements are as follows:

<table>
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<tr>
<th>Developer</th>
<th>Location</th>
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<tbody>
<tr>
<td>Black Gold Estates</td>
<td>Zia Crossing</td>
</tr>
<tr>
<td>Property Management Plus, LLC</td>
<td>Selman Street (Sunset and St. Anne)</td>
</tr>
<tr>
<td>Lemke Development, Inc.</td>
<td>Northeast of Ja-Rob and College Lane.</td>
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In response to a question by Commissioner Newman, Mr. Robinson stated the last Market Rate Housing Survey was done in 2015, and a new survey is scheduled no later than August, 2020.

Commissioner Calderón moved to approve Resolutions No. 6764, 6765 and 6766 as presented. Commissioner Penick seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Gerth yes, Penick yes, Ccbb yes. The motion carried. Copies of the resolutions and documentation are attached and made a part of these minutes.

*Resolution No. 6767 - Approval of Final Plan for Albertson Block 1 Subdivision as Submitted by Property Owner, J. F Maddox Foundation.*

Mr. Robinson explained the final plan for Albertson Block One Subdivision submitted by the J. F Maddox Foundation. He stated the subdivision is located northwest of the intersection of Clearfork and Houston within the municipal boundaries. Mr. Robinson stated the subdivision encompasses +/- 0.05 acres and will contain 20 single family residential lots. The Planning Board reviewed the issue on February 19, 2019, and recommended approval.

There being no discussion, Commissioner Taylor moved to approve Resolution No. 6767 as presented. Commissioner Mills seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Gerth yes, Penick yes, Ccbb yes. The motion carried. Copies of the resolution and documentation are attached and made a part of these minutes.

*Resolution No. 6768 - Approval of Final Plan for The Meadows, Unit 1 Subdivision, as Submitted by Property Owner, Lemke Development.*

Mr. Robinson explained the final plan for the Meadows Subdivision, Unit 1, submitted by Lemke Development, to the Commission. He stated the subdivision is located northeast of the intersection of College Lane and Ja-Rob within the municipal boundaries. Mr. Robinson further stated the subdivision encompasses +/- 8.25 acres and will contain 31 single family residential lots. He stated the Developer has paid the City a cash payment
of $18,175.00 with said amount being a pay factor adjustment defined as 50% of the installation cost of 3" hot mix asphalt before the approval by the Commission. The Planning Board reviewed the plan on February 19, 2019, and recommended approval.

Commissioner Penick moved to approve Resolution No. 6768 as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and documentation are attached and made a part of these minutes.

Resolution No. 6769 - Approval of Final Plan for Lot 4, Midway Acres Subdivision, Unit 2, as Submitted by Property Owner, Frank Trujillo.

Mr. Robinson explained the final plan for Lot 4, Midway Acres Subdivision, Unit 2, submitted by Frank Trujillo, to the Commission. He stated the subdivision is located northeast of the intersection of Macaw Lane and Monarch Street within the Extra-Territorial Jurisdiction (ETJ). Mr. Robinson further stated the subdivision encompasses +/- 9.04 acres and will contain four single family residential lots. He stated the area is in the ETJ and the item will be before the Lea County Commission at its next Commission meeting. The Planning Board reviewed the issue on February 19, 2019, and recommended approval.

Commissioner Gerth moved to approve Resolution No. 6769 as presented. Commissioner Newman seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and documentation are attached and made a part of these minutes.

Comments by City Commissioners, City Manager

Mayor Cobb stated the next regular Commission meeting will be held on Monday, March 4, 2019.

Acting City Manager/Fire Chief Gomez stated a work session will be held on March 4, 2019, to discuss parking adjacent to school facilities. He stated the City of Hobbs Legal Department will be making a presentation at the work session.

Acting City Manager/Fire Chief Gomez stated the City is re-introducing the City Manager's Report which will be available to the Commission and the citizens of Hobbs. He stated this will be an educational tool and emphasize transparency.

Acting City Manager/Fire Chief Gomez stated effective March 1, 2019, Hobbs Police Deputy Chief Brian Dunlap will begin serving as Acting Police Chief for the Hobbs Police Department.
Commissioner Gerth thanked everyone for attending tonight’s meeting. He stated youth programs are very important for youth growth. He encouraged the community to keep the children active instead of allowing them to be on their iPad or cell phone.

Commissioner Mills stated he attend the NAACP Banquet on Saturday, February 23, 2019, and it was very enjoyable.

Commissioner Mills stated he has been walking and visiting people in his neighborhood. He stated the constituents of District 2 are unhappy with State Government overall but seem to be content with local government. He stated Hobbs government is responsive and pulls together in good faith as a team to find a solution when situations arise.

Commissioner Taylor stated softball is cultivating in Hobbs. She also thanked everyone for attending tonight’s meeting.

Commissioner Taylor stated she attended Municipal Day in Santa Fe, New Mexico, and it was very educational. She thanked the City of Hobbs for allowing her to attend and learn more about government.

Commissioner Calderón expressed appreciation to Police Chief McCall for his years of service to this community and stated he has great respect for him.

Commissioner Calderón stated he also attended Municipal Day and toured the roundhouse.

Commissioner Panick also expressed appreciation to Police Chief McCall for his years of service to this community.

Commissioner Penick stated he is honored to also have attended Municipal Day and that he learned a lot about the Legislative Session.

Commissioner Penick thanked Mr. Joe Cotton, President of NAACP, and stated the NAACP Banquet was a great event.

Commissioner Penick stated the Census is an important project and the community needs to get the word out.

Commissioner Newman congratulated Police Chief McCall on his retirement and stated he will no longer have to answer all of those phone calls.

Mayor Cobb also also expressed appreciation to Police Chief McCall for his years of service to this community.
Adjournment

There being no further business or comments, Commissioner Newman moved that the meeting adjourn. Commissioner Penick seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:35 p.m.

________________________________________
SAM D. COBB, Mayor

ATTEST:

________________________________________
JAN FLETCHER, City Clerk
ACTION ITEMS
CITY OF HOBBs
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 4, 2019

SUBJECT: Resolution Regarding the Transfer of Ownership and Location of Liquor License No. 0301, from Briody Pohl, GP by Lucille Pohl, PR of the Estate of Clarence W. Pohl, 205 West Broadway, Mountainair, New Mexico, to Wayne Street Entertainment, LLC, d/b/a Wayne Street, 2215 East Seminole Highway, Hobbs, New Mexico, 88240

DEPT. OF ORIGIN: City Clerk’s Office
DATE SUBMITTED: February 22, 2019
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:
Wayne Street Entertainment, LLC, has applied to the State of New Mexico, Alcohol and Gaming Division for transfer of ownership and location of Liquor License No. 0301 as referenced above. The application has received preliminary approval from the State of New Mexico and was received by the City Clerk’s Office on January 22, 2019. A public hearing must be held by the City within forty-five (45) days from receipt of such notice. The City has duly published notice of the hearing in the Hobbs News-Sun and properly notified the applicant of such hearing by certified mail.

Fiscal Impact:
The applicant has paid the required $250.00 administrative fee to the City.

Attachments:
1. Application packet from State of New Mexico, Alcohol and Gaming Division
2. Affidavit of Publication - Notice of Public Hearing
3. Area Map
4. Resolution

Legal Review:
Approved As To Form: City Attorney

Recommendation:
Motion to approve or disapprove the transfer of ownership and location; second; vote.

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<td>City Manager</td>
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<td>COMMISSION ACTION TAKEN</td>
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<td>Resolution No.</td>
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CITY OF HOBBS

RESOLUTION NO. 6770

A RESOLUTION REGARDING THE TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 0301 TO WAYNE STREET ENTERTAINMENT, LLC, D/B/A WAYNE STREET, 2215 EAST SEMINOLE HIGHWAY, HOBBS, NEW MEXICO.

WHEREAS, the City of Hobbs has received the following application for transfer of ownership and location of Liquor License No. 0301:

Owner of Existing License: Briody Pohl, GP by Lucille Pohl, PR of the Estate of Clarence W. Pohl
Current D/B/A Name: (in voluntary suspension)
Current Premises Address: 205 West Broadway
                Mountainair, NM  87036

Applicant Name: Wayne Street Entertainment, LLC
Applicant D/B/A Name: Wayne Street
Proposed Location: 2215 East Seminole Highway
                  Hobbs, NM  88240

WHEREAS, the State of New Mexico, Alcohol and Gaming Division, has granted preliminary approval to the application for transfer of ownership and location of the liquor license as requested and a duly advertised public hearing is being held by the governing body of the City of Hobbs on March 4, 2019, on the question of whether or not the proposed transfer of ownership and location of the license should be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the transfer of ownership and location of Liquor License No. 0301 from Briody Pohl, GP by Lucille Pohl, PR of the Estate of Clarence W. Pohl, 205 West Broadway, Mountainair, New Mexico, to Wayne Street Entertainment, LLC, d/b/a Wayne Street, 2215 East Seminole Highway, Hobbs, New Mexico, 88240, be and is hereby ________________
(approved or disapproved).

PASSED, ADOPTED AND APPROVED this __4th__ day of __March__, 2019.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk
Affidavit of Publication

STATE OF NEW MEXICO  
COUNTY OF LEA

I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 2 issue(s).

Beginning with the issue dated January 31, 2019 and ending with the issue dated February 07, 2019.

[Signature]
Publisher

Sworn and subscribed to before me this 7th day of February 2019.

[Signature]
Business Manager

My commission expires January 29, 2023

(Seal)

OFFICIAL SEAL  
GUSSIE BLACK  
Notary Public  
State of New Mexico  
My Commission Expires 1-29-23

This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937 and payment of fees for said

LEGAL NOTICE

JANUARY 31 and FEBRUARY 7, 2019

NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on Monday, March 4, 2019, at 6:00 p.m., in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico, for the purpose of considering the application for a liquor license as set forth below and to hear any protests and objections to the granting thereof. Protests and objections may be made by any interested persons at the time, date and place of hearing.

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in the hearing, please contact Jan Fletcher at least three days before the hearing date at (575) 397-8207.

Liquor License Number: 0301
Applicant: Wayne Street Entertainment, LLC
DBA: Wayne Street
Proposed Location: 2215 East Seminole Highway, Hobbs NM 88240
The request is for a Transfer of Ownership and Location of Liquor License No. 0301, currently owned by Bridy Pohl, GP by Lucille Pohl, PR of the Estate of Clarence W. Pohl, 205 West Broadway, Mountainair, New Mexico.

DATED this 29th day of January, 2019.

[Signature]
SAM D. COBB, Mayor

67108146 00223883

CITY OF HOBBS FINANCE DEPT  
200 E. BROADWAY ST  
HOBBS, NM 88240
NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on **Monday, March 4, 2019, at 6:00 p.m.,** in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico, for the purpose of considering the application for a liquor license as set forth below and to hear any protests and objections to the granting thereof. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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Liquor License Number: 0301
Applicant: Wayne Street Entertainment, LLC
D/B/A: Wayne Street
Proposed Location: 2215 East Seminole Highway, Hobbs NM, 88240
The request is for a Transfer of Ownership and Location of Liquor License No. 0301 currently owned by Briody Pohl, GP by Lucille Pohl, PR of the Estate of Clarence W. Pohl, 205 West Broadway, Mountainair, New Mexico.

DATED this 29th day of January, 2019.

[Signature]
SAM D. COBB, Mayor
New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION  
PO Box 25101 • Santa Fe, New Mexico 87504-5101  
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

January 16, 2019  
Certified Mail No.: 9171 9690 0935 0155 1534 12

City of Hobbs  
Attn: Jan Fletcher  
200 East Broadway  
Hobbs, NM 88240

Re: Lic. No./Appl. No.: License No. 0301  
Name of Applicant: Wayne Street Entertainment, LLC  
Doing Business As: Wayne Street  
Proposed Location: 2215 East Siminole Highway, Hobbs, NM 88240

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted Preliminary Approval. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that “within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer”, we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted. The notice shall include:

(A) Name and address of the Applicant/Licensee;
(B) The action proposed to be taken by the Alcohol & Gaming Division;
(C) The location of the licensed premises.

In addition, if the Local Option District has a website, the Notice shall also be published on the website.

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP AND CHANGE OF LOCATION OF DISPENSER LIQUOR LICENSE NO. 0301 WITH ON PREMISE CONSUMPTION WITH PATIO SERVICE.
Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (Page 1 of the Application, noting disapproval).

Respectfully,

[Signature]
Charmaine Martinez, Hearing Officer
New Mexico Regulation & Licensing Dept. | Alcohol & Gaming Division
Phone: (505) 476-4804   Fax: (505) 476-4595
Email: charmaine.martinez2@state.nm.us

Enclosures:
1. Original Page 1 of the Application (must be signed and returned w/notices of publication)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement
TRANSFER OF DISPENSER-TYPE LIQUOR LICENSE APPLICATION

License No. 0301  
Type of License: Dispenser

Check appropriate boxes:
Application is for: ❑ Transfer of Ownership and Location  [ ] Transfer of Location Only

Record Owner of Existing License:  
Broidy Pohl, GP by Lucille Pohl PR of the Estate of Clarence W. Pohl

Current D/B/A Name:  
In voluntary temporary suspension

Current Premises Address:  
205 W. Broadway, Mountainair, NM 87036

Current LOD:  
Mountainair  
Is License moving out of Local Option District?  ❑ Yes  [ ] No

APPLICANT IS:  [ ] Individual  ❑ Limited Liability Company  [ ] Corporation  [ ] Partnership (General/Limited)

NAME of Individual/Company:  
Wayne Street Entertainment LLC  1319 W. Calle Sur St, Hobbs, NM 88240

copy to: New Mexico Liquor Licenses, LLC 2539 Wyoming Blvd. NE Suite A, Albuquerque, NM 87112

D/B/A Name to be used:  Wayne Street  
Business Phone #:  575-441-0797

Email Address (required):  wayne8820@gmail.com

Physical location where license is to be used:  (Include Street #/Highway #/State Road, City, State, and Zip Code)

2215 East Seminole Highway, Hobbs, NM 88240

County of: Lea

Are alcoholic beverages currently being dispensed at the proposed location?  [ ] Yes  ❑ No  If Yes, License # / Type:

Agent/Contact Person:  New Mexico Liquor Licenses, LLC c/o Kyla Stoker  Phone#:  Email: kyla@newmexicoliqurlicense.com

I, (print name) Roy Wayne Richardson, as (title) being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

Sign before a Notary Public:
Signature of Applicant:  Roy Wayne Richardson  Date: 11-14-2018

NOTARY PUBLIC USE ONLY:  (State of New Mexico, County of Lea)
SUBSCRIBED AND SWORN TO before me this 14th day of November 2018
By:  Roy Wayne Richardson  Notary Public:  Lydia Gray  My Commission Expires: 3-19-2021

FOR LOCAL OPTION DISTRICT USE ONLY:  Local Governing Body of:  Hobbs  City, County, Village
Public Hearing held on  March 4, 2019  . Check one:  [ ] Approved  [ ] Disapproved

Signature and Title of City/County Official:  SAM D. COBB, Mayor

FOR ALCOHOL AND GAMING DIVISION USE ONLY:  [ ] Approved  [ ] Disapproved

Signed by Director:  Date:  

1. The land and building which is proposed to be the licensed premises is: (check one)

☐ Owned by Applicant, copy of deed/document attached  ☐ Leased by Applicant, copy of lease/document attached

☐ Other (provide details):

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): Wayne Richardson

B. Date and Term of Lease: 11-01-2018 5 yr. 11-01-2018 to 11-01-2023

3. Premises location is Zoned: (example C-1, see Zoning Statement): No Zoning Ordinance within City Limits

☑ Zoning Statement attached, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: Crosswinds Community Church
Address/location of Church: 1761 N. Jefferson St., Hobbs, NM 88240
Miles/feet: 1.45 mi. +-

5. Distance* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Taylor Elementary School
Address/location of School: 1520 N. Breckton Dr., Hobbs, NM 88240
Miles/feet: 5123 ft. +-

6. Distance from military installation *(Property line of military installation to closest point of licensed premises—shortest distance.)

Name of Military Installation: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clayton)
Miles: 191 mi. +-

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: ☐ Hotel  ☑ Lounge  ☐ Package Grocery  ☐ Restaurant  ☐ Racetrack

☐ Small Brewer  ☐ Craft Distiller  ☐ Winery  ☐ Wholesaler

☐ Other (specify):

*NOTE: If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.
October 29, 2018

New Mexico Liquor Licensees, LLC
2539 Wyoming Blvd. NE
Albuquerque, NM 87112

RE: Zoning Certification for 2215 E. Seminole Hwy. in Hobbs, NM 88240.

Dear Ms. Stoker:

Pursuant to your request for a Zoning Certification regarding 2215 E. Seminole Hwy., please be advised that the City of Hobbs has not adopted a zoning ordinance to regulate land uses and locations of different types of development or specific business uses throughout the City. Consequently, the City of Hobbs has no current regulations which govern zoning districts and/or land uses, use of buildings, or use of vacant land. Hobbs, NM is considered a use by right municipality as of this date of October 29, 2018. Therefore a proposed land use, compliant with all adopted developmental rules and regulations, is in conformance with applicable zoning law as of this date.

Please note that the City does have a Major Thoroughfare Plan, Subdivision Regulations, Flood Zone, Fire Zone, Landscaping Regulations, Building Code, Liquor License and other development regulations that must be followed for improvements and changes in building occupancy types, including yard setback requirements. This letter is in regards to that portion of the above referenced real property that exists within the corporate limits of the City of Hobbs, NM on October 29, 2018.

If you have any questions or need further information, please contact me at (575) 397-9351.

Sincerely,

CITY OF HOBBS, NEW MEXICO

Kevin Robinson – Planning Department
SUBJECT: Condemnation Recommendation Structure Contained on Attachment “A”
DEPT. OF ORIGIN: Community Services
DATE SUBMITTED: February 21, 2019
SUBMITTED BY: Raymond Bonilla, Community Services Department Head

Summary:
In its continuing promotion of safety and clean up efforts in the City of Hobbs, the Environmental Division of the Hobbs Community Services has identified the structures and vacant lot which present safety and fire hazards which warrant their destruction. These structures are in dire need of repair. Attachment A contains information of the property.

Fiscal Impact: Reviewed By: Finance Department
The demolition and clean-up of these properties will cost approximately $65,000.00. The current budget in the “Professional Services” line item of the Environmental Budget (01340-42601) has an adequate balance to sustain this expenditure.

Attachments:

1. Resolution
2. Photos of Structures contained in Attachment A.

Legal Review: Approved As To Form: City Attorney

Recommendation:
The City Commission approve the adoption of the Resolution determining the structure is ruined, damaged and dilapidated and a menace to public health and safety and it requires removal from the real property.

Approved For Submittal By:
Department Director

City Manager

CITY CLERK’S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. Continued To: 
Ordinance No. Referred To: 
Approved Denied 
Other File No. 


CITY OF HOBBS

RESOLUTION NO. 6771

A RESOLUTION DETERMINING THAT CERTAIN STRUCTURES ARE RUINED, DAMAGED AND DILAPIDATED, ARE A MENACE TO PUBLIC COMFORT, HEALTH AND SAFETY AND REQUIRES REMOVAL FROM THE MUNICIPALITY

WHEREAS, pursuant to Section 8.24.010 of the Hobbs Municipal Code, and Section 3-13-5 NMSA, as amended, the City has inspected the premises described in Attachment "A", attached hereto and incorporated herein by reference, and finds that the structures thereon are ruined, damaged and dilapidated, are a menace to the public comfort, health and safety and requires removal from the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the structures described in Attachment "A" are found to be ruined, damaged and dilapidated, are a menace to the public comfort, health and safety, and should be removed.

BE IT FURTHER RESOLVED that a copy of this Resolution be served on the owner, occupant or agent in charge of such premises; or, if such service cannot be had, that a copy of this Resolution be posted on the premises; and that a copy of the same be published as required by law.

BE IT FURTHER RESOLVED that unless the owner, occupant or agent in charge of such premises, within ten (10) days from such service or posting and publication of this Resolution, has commenced removing such structures from the real property or has filed written objection with the City, the City shall cause the removal of such structures at the cost and expense of the property owner.
BE IT FURTHER RESOLVED that in cases where the City removes a structure so condemned, a lien shall be levied by the City against the real property involved in an amount equal to the reasonable cost of the services rendered, which lien may be foreclosed in default of satisfaction.

PASSED, ADOPTED AND APPROVED this 4th day of March, 2019.

ATTEST: ...........................................................................................................................

SAM D. COBB, Mayor

JAN FLETCHER, City Clerk
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<thead>
<tr>
<th>Address</th>
<th>Owner</th>
<th>Owner's Address</th>
<th>Estimated Cost of Demolition</th>
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<tr>
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<td>212 N. Denson</td>
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<td>Horizon Park Addition</td>
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